

AMENDED IN SENATE JULY 1, 2008

AMENDED IN SENATE JUNE 17, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1767

Introduced by Assembly Member Ma
(Coauthor: Senator Yee)

January 8, 2008

An act to add and repeal Section 1380 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 1767, as amended, Ma. Civil compromise: vandalism.

Existing law establishes a procedure for the civil compromise of misdemeanor offenses, whereby a person injured by an act constituting a misdemeanor has a remedy through a civil action, and the criminal proceeding may be stayed by the court and the defendant discharged if the victim acknowledges receiving satisfactory compensation for the injury.

This bill would authorize the City and County of San Francisco, *as a pilot program*, to require a person who has committed an act of vandalism by graffiti to complete ~~up to 96~~ *a minimum of 24* hours of community service if the person engages in a civil compromise, as specified. The above provision would remain in operation until January 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1380 is added to the Penal Code, to read:

2 1380. (a) The City and County of San Francisco may require
3 a person who has committed an act of vandalism by graffiti, as
4 specified in paragraph (1) of subdivision (a) of Section 594, to
5 complete ~~up to 96~~ *a minimum of 24* hours of community service
6 if the person engages in a civil compromise, as provided in Section
7 1378.

8 *(b) Community service shall be completed through graffiti*
9 *abatement. If a graffiti abatement program is not available, then*
10 *another form of community service may be performed.*

11 ~~(b)~~

12 (c) In order for the City and County of San Francisco to impose
13 subdivision (a) upon a person, the court shall determine that there
14 is community service available through the jurisdiction's
15 community service program.

16 ~~(e)~~

17 (d) The program ~~authorizes~~ *authorized* by this section shall be
18 a pilot project for the purpose of determining the potential
19 effectiveness of the program.

20 (e) *On or before March 1, 2011, the City and County of San*
21 *Francisco, if it implements the pilot program authorized by this*
22 *section, shall submit to the public safety committees of the*
23 *Legislature an evaluation of the program's effectiveness.*

24 ~~(d)~~

25 (f) This section shall remain in effect only until January 1, 2012,
26 and as of that date is repealed, unless a later enacted statute, that
27 is enacted before January 1, 2012, deletes or extends that date.